THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.24000 OF 2007

DATED: 15-11-2007

BETWEEN

Smt. Kokkiligadda Mangamma,
W/o. Krishna Rao, Sarpanch,
Yetimoga Gram Panchayat,
Nagayalanka Mandal,
Krishna District.

...PETITIONER

AND

The District Collector,
Krishna at Machilipatnam
and two others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the Resolution dated 16.10.2007 passed by Incharge Panchayat Secretary, Yetimoga Gram Panchayat re-constituting the committee for implementation of Indiramma Programme of the said Gram Panchayat as illegal and arbitrary.

2. Petitioner submits that she is the Sarpanch of the aforesaid Gram Panchayat and that as per the orders in G.O.Ms.No.140 Panchayat Raj and Rural Development (RWS.III) Department dated 01.05.2006 the Government after careful considered ordered for constitution of Gram Panchayat/Ward Level committees to help in taking up continuous awareness building exercise and monitoring the implementation of various programmes as planned. The Committees for implementation of Indiramma Programme will be constituted by the respective MPDO in the case of Gram Panchayats

and the Municipal Commissioners in the case of municipalities. Accordingly, as per the said G.O., the MPDO constituted Committee of Yetimoga Gram Panchayat vide resolution dated 22.09.2006 but the said committee has been re-constituted by the Panchayat Secretary vide resolution dated 16.10.2007 alleging that the District Collector issued telephonic orders.

3. It is the case of the petitioner that there are no telephonic orders; more so, the Panchayat Secretary has no power or authority to disturb the existing committee or to constitute new committee.

The re-constitution of committee by the Panchayat Secretary against the wish of the members of the existing committee is illegal and arbitrary. Accordingly, the petitioner along with others made a representation before the District Collector, Krishna District on 01.11.2007 requesting to continue the old committee.

4. Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the District Collector to consider and dispose the representation of the petitioner.

The writ petition is accordingly disposed of directing the first respondent to consider and dispose the representation of the petitioner and others dated 01.11.2007 in accordance with law, keeping in view the aforesaid Government order and circulars issued from time to time, as expeditiously as possible. There shall be no order as to costs.

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V. ESWARAIAH, J

November 15, 2007
DSK